

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BALKRISHNA SETTY, *et al.*,

Plaintiffs,

v.

SHRINIVAS SUGANDHALAYA LLP, *et al.*,

Defendants.

Case No. C17-1146-MLP

ORDER

This matter is before the Court on Plaintiffs Balkrishna Setty and Shrinivas Sugandhalaya (BNG) LLP's (together, "Plaintiffs") Motion to Compel against Defendant Shrinivas Sugandhalaya LLP ("Defendant"), filed December 10, 2024. (Pls.' Mot. (dkt. # 199).) Plaintiffs seek to compel production in response to their requests for production ("RFP") numbers 6, 21-22, 24, and 38. (*See id.* at 6-12.) Defendant filed a response on December 26, 2024 (Def.'s Resp. (dkt. # 203)), and Plaintiffs filed a reply on December 31, 2024. (Pls.' Reply (dkt. # 205)).

On January 13, 2025, the Court held a status conference on Plaintiffs' Motion. (Dkt. # 211.) The parties indicated that they had begun addressing the issues cooperatively, and Defendant would join the electronically stored information agreement applicable to the other parties. (*Id.*; *see also* dkt. ## 213-14.) Accordingly, the Court deferred ruling on Plaintiffs'

1 Motion and scheduled a follow-up status conference for January 28, 2025. (Dkt. # 211.) At the  
2 January 28 hearing, the parties reported progress in resolving the matter, and the Court set  
3 another follow-up hearing for February 26, 2025. (Dkt. # 217.)

4 On February 26, 2025, after hearing from both parties, the Court outlined specific steps  
5 that Defendant must take before the next status conference, set for March 11, 2025. (Dkt. ## 218-  
6 19.) Specifically, the Court ordered Defendant: (1) to produce documents responsive to  
7 Plaintiffs' RFP No. 22; and (2) after the parties agreed on search terms, to conduct the necessary  
8 searches and file with the Court a report detailing its search methodology, supported by  
9 appropriate declarations, and (3) to file a declaration by a qualified corporate officer explaining  
10 why the email server Defendant used from 2014 to 2019 was inaccessible. (Dkt. # 219.)

11 On March 10, 2025, Defendant's counsel, Tim Billick, submitted a declaration outlining  
12 his and Defendant's efforts to comply with the Court's Order. (Dkt. # 220.) Mr. Billick indicated  
13 that he had received and had produced to Plaintiffs documents related to profits and sales (*id.* at  
14 ¶¶ 10-11), although he was unable to procure the required declarations from Defendant. (*Id.* at  
15 ¶ 12.) On March 11, 2025, prior to the hearing, Mr. Billick filed a declaration purportedly by  
16 Defendant's in-house counsel, but signed by Mr. Billick, relating to Defendant's search  
17 methodology and its previous email server. (Dkt. # 221.)

18 At the March 11, 2025 hearing, the Court set another status conference for March 26,  
19 2025. (Dkt. # 222.) For the reasons previously stated on the record by the Court during the  
20 March 11, 2025 hearing (*see* dkt. # 222), the Court provides the following summary of its  
21 rulings:

- 22 (1) The Court GRANTS Plaintiffs' Motion and ORDERS that, by **March 25, 2025**:
- 23 (a) Defendant must respond to RFP Nos. 6, 24, and 38 in their entirety; and

(b) Defendant must supplement its responses to RFP Nos. 21 and 22.

(2) The Court finds Defendant is not in compliance with section 2(a) of the Court's

February 26, 2025 Order (dkt. # 219).<sup>1</sup> By **March 25, 2025**, Defendant is

ORDERED to file the required report on search methodology and supporting declarations.

(3) If Defendant has not produced the required documents prior to the March 26,

2025 hearing, the Court will find Defendant in contempt of its prior Order (dkt.

# 219) and this Order. Pursuant to Fed. R. Civ. P. 37(b)(2)(A)(vii), the Court will

impose sanctions of \$250 for each day that responses to the RFPs remain

delinquent, beginning March 27, 2025.

(4) Pursuant to Fed. R. Civ. P. 37(a)(5)(A), the Court ORDERS Defendant to pay

Plaintiffs' reasonable expenses incurred in bringing Plaintiffs' Motion, including

attorney's fees. By **March 25, 2025**, Plaintiff shall file a fee petition. At the

March 26, 2025 hearing, Defendant may raise any objections to the fee petition.

Dated this 12th day of March, 2025.



MICHELLE L. PETERSON  
United States Magistrate Judge

<sup>1</sup> At the March 11, 2025 hearing, Mr. Billick indicated a declaration in compliance with section 2(b) would be filed shortly. Accordingly, the Court defers a finding on compliance with that section.